

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

<b>DANIEL JOHN RILEY,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:10-cv-218-GZS</b>
	)	
<b>JAMES ALLANDYDY, et al.,</b>	)	
	)	
<b>Defendants</b>	)	

**REPORT OF HEARING AND ORDER  
RE: STATUS**

Held in Portland, Maine, by telephone on February 3, 2012, at 1:00 p.m.

Presiding: John H. Rich III, United States Magistrate Judge

Appearances: For the Plaintiff: Sven Wiberg, Esq.

For the Defendants: Seth Aframe, Esq.  
David Plourde, Esq.

The telephone conference was held in response to a January 23, 2012, email to the court from Attorney Wiberg reporting that the parties had no further discovery disputes requiring court intervention but requesting, without objection, an additional 30-day extension in the parties' January 24, 2012, discovery deadline in view of (i) technical difficulties in the government's production of a videotape and (ii) Attorney Wiberg's need to afford his client an opportunity to review and comment on recently produced discovery, including the videotape.

Treating Attorney Wiberg's request as an oral motion to extend the discovery deadline, and relying on his representation that he anticipates no further discovery disputes in this case, I **GRANTED** it without objection, extending the discovery deadline to February 23, 2012. In addition, without objection, and as contemplated by my January 11, 2012, report of hearing and order, *see* Docket No. 43, I **DISMISSED** without prejudice the defendants' pending motion for summary judgment, *see* Docket No. 30, and **SET** deadlines of February 24, 2012, the day after the close of discovery, for the defendants to re-file their summary judgment motion; March 16, 2012, for the plaintiff to respond; and March 30, 2012, for the defendants to file any reply. I further **ORDERED** this case removed from the April 2012 trial list. If the defendants' summary judgment motion is not fully dispositive of the case, I will convene a teleconference with counsel shortly after the adjudication of that motion to discuss the setting of deadlines for expert discovery and the resetting of a trial date.

**SO ORDERED.**

#### **CERTIFICATE AND NOTICE**

- A. This report fairly reflects the actions taken at the hearing and shall be filed forthwith.
- B. In accordance with Fed. R. Civ. P. 72(a), a party may serve and file an objection to this order within fourteen (14) days after being served with a copy thereof. Failure to file a timely objection shall constitute a waiver of the right to review by the district court and to any further appeal of this order.

Dated this 5<sup>th</sup> day of February, 2012.

/s/ John H. Rich III  
John H. Rich III  
United States Magistrate Judge